

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

3                   - - -

4         Ru-El Sailor,                                      )  
5    )  
6    )  
7    )  
8         Plaintiff,                                      )  
9    )  
10        vs.    ) Case No. 1:22-CV-00660  
11    )  
12        City of Cleveland, et al.                    )  
13    )  
14        Defendant.                                      )

15                   - - -

16  
17    Transcript of audio recorded jail call,  
18    John Williams - Disk 3 - Call 119, between  
19    Ru-El Sailor, Amy Sailor and Kyle Swenson, on  
20    June 17, 2016.

21                   - - -

22

23

24

25

EXHIBIT  
M

1 PROCEEDINGS

2 AUTO ATTENDANT: For English, for a  
3 collect call, please enter your 7 digit inmate  
4 ID number followed by your 4 digit PIN number  
5 now. Your current balance is \$7.72.

6 Please enter the area -- please hold.  
7 Please wait while your call is being  
8 connected.

9 Hello. This is a prepaid debit call  
10 from an inmate at the Ohio State Penitentiary.  
11 To accept this call -- press zero to refuse  
12 this call. This call is from a correction  
13 facility and is subject to monitoring and  
14 recording. Thank you for using GTL.

15 MR. SAILOR: Hello?

16 MR. SWENSON: Hey, hey. Yeah, we  
17 were just --

18 MR. SAILOR: Hey.

19 MR. SWENSON: Amy and I were just  
20 -- I'm going to use what's on the affidavit,  
21 because, you know, that Cordell told you  
22 afterwards. So that's in the legal document,  
23 so we should just roll with that, I mean,  
24 because that's verified in the legal document.  
25 That's what I'm going to go with.

1                   MR. SAILOR:         All right.  
2                   MR. SWENSON:       Because the thing is,  
3                   like you said, if that's what, you know,  
4                   Cordell had said, you don't want to contradict  
5                   him. There's no problem with that.

6                   MR. SAILOR:         Right and I'm saying,  
7                   the only reason why like -- the only reason  
8                   why it never came out before, man, because  
9                   like, we didn't know the legal reactions  
10                  behind it; you know what I'm saying? I never  
11                  knew, like, they would try to tell you, oh you  
12                  knew then, you were an accomplice. You just  
13                  guilty as the person that did it; you know I'm  
14                  saying? I never knew all that until Kim  
15                  explains it to me; you know I'm saying?

16                  He was like, well, it's out there that  
17                  you pretty much perjured yourself, anyway; you  
18                  know I'm saying, about me, and that I left --  
19                  The only thing they said that perjures in my  
20                  testimony is that they said me and Cordell was  
21                  riding together, and we wasn't. You see what  
22                  I'm saying? Anything outside of that is  
23                  pretty much all the same; you know what I'm  
24                  saying? Ride with Will --

25                  MR. SWENSON:         Uh-huh. Did you --

1                   MR. SAILOR:           Huh?

2                   MR. SWENSON:         Yeah, why did you

3                   decide to say that, to say that he was with

4                   you, just to have his back?

5                   MR. SAILOR:         I mean, it was more

6                   so like, 'cause if I said, I felt like by me

7                   being innocent, and knowing I wasn't there and

8                   they didn't have anything proving I was there,

9                   it just felt like for me to say anything

10                  different was just like throw him under the

11                  bus still.

12                  MR. SWENSON:        Uh-huh. Okay, I got

13                  you, I got you, I got you. I got you. Cool.

14                  AUTO ATTENDANT:      This call is

15                  originating from an Ohio Correctional Facility

16                  and may be recorded and monitored.

17                  MR. SWENSON:        Like I was saying,

18                  that was kind of it, man. That was the only,

19                  like, last moment I wanted to get through with

20                  you guys. But that's great news today about

21                  this stuff. It's really good --

22                  MR. SAILOR:         That's great news.

23                  So when you called down there, was they

24                  receptive with what you were saying? Were

25                  they open with you and stuff, and talking to

1                   you?

2                   MR. SWENSON:         No, I mean, you can't  
3                   even get them on the phone, you know. So I  
4                   had to go through the spokesman and I emailed  
5                   them earlier in the week, like Monday, and I  
6                   heard nothing. And, you know, they'll do that  
7                   if they don't want to answer a question,  
8                   they'll just ignore you. So I just kept  
9                   emailing and being like (inaudible) --

10                  MR. SAILOR:         Right, because  
11                  they've been ignoring Amy since the beginning.  
12                  Like they never called her back.

13                  MR. SWENSON:         Yeah. Well, with me,  
14                  I mean, it's a little different, because I was  
15                  like, look, this story's coming out, whether  
16                  you say something about it or not, it's going  
17                  to look worse if you don't talk.

18                  MR. SAILOR:         Right.

19                  MR. SWENSON:         So then finally they  
20                  got back and they were like, oh, well, you  
21                  know, we had -- because that's what I was  
22                  putting to them, too. I was like, why was  
23                  this rejected? What was the reason? You  
24                  know, what steps went through to investigate  
25                  this? And they were like, all right, well, so

1           we had initially rejected it. And what they  
2        said was because, you know, your account in  
3        the application was different from what was  
4        said at trial. But that doesn't make any  
5        sense because that's --

6           MR. SAILOR:           That's bullshit.

7           MR. SWENSON:        -- it says that in --  
8        it says that in the application, that's what  
9        the application said. But then they said, you  
10      know, but, you know, upon further discussion,  
11      we've decided to reinvestigate it. So, yeah,  
12      I mean, that's good, and an interesting  
13      development for sure. So, I mean --

14           MR. SAILOR:        They trying to cover  
15      their ass.

16           MR. SWENSON:       That gives us  
17      something to press them on. Yeah, but that  
18      gives us something to press them on, and  
19      especially your lawyer too, like moving ahead  
20      because you can be like, look, you told the  
21      press, and it's in the newspaper and the Scene  
22      article that you reinvestigated it. So what's  
23      the deal?

24           MR. SAILOR:        Right.

25           MR. SWENSON:       What are you doing to

1           reinvestigate it? Like what? So I was really  
2           surprised. I think that's really a positive  
3           move. So yeah.

4           MR. SAILOR:           Yeah, I appreciate  
5           that. Would you be able to speak to Bill?

6           MR. SWENSON:        No, not yet.

7           AUTO ATTENDANT:    This call is  
8           originating from an Ohio Correctional Facility  
9           and may be recorded and monitored.

10          MR. SWENSON:        No, there's just too  
11          much. I mean, I'm going to put in the  
12          polygraph and the results and stuff like that,  
13          and how he went to bat with you all. But  
14          there's so much information, you know, I don't  
15          need to put that part, like him, specifically,  
16          in there, but I got enough already as it is.

17          MR. SAILOR:         Okay.

18          MR. SWENSON:        So, but I'm going to  
19          get hopping, 'cause I'm still working on  
20          putting it together, but I will. What's your  
21          phone situation on Monday looking like?

22          MR. SAILOR:         Monday.

23          MS. SAILOR:         Monday morning.

24          MR. SWENSON:        Monday morning?

25          MR. SAILOR:         Talking about in the

1 morning?

2 MR. SWENSON: You guys want to call  
3 me one more time then on Monday morning and  
4 touch base?

5 MR. SAILOR: Yeah, of course.

6 MS. SAILOR: It's until 10:30. So  
7 he'll be out pretty early, but we'll wait  
8 until --

9                           MR. SAILOR:           I'll be out from  
10                           eight to ten, eight to 10:30.

11                           MR. SWENSON:       Yeah, let's do nine.  
12                           Nine o'clock is fine. If you just call at  
13                           nine.

14 MR. SAILOR: All right.

15 MS. SAILOR: Okay.

16 MR. SWENSON: Or around then.

17 MR. SAILOR: So Kyle, so you're  
18 saying it should come out this Wednesday?

19 MR. SWENSON: Wednesday, yeah.  
20 It'll come on Wednesday.

21                           MR. SAILOR:         Would you be able to  
22                           send Amy a copy beforehand, or we all see it  
23                           Wednesday?

24 MR. SWENSON: No, no, you guys,  
25 yeah, we don't like put anything out

1 beforehand.

2 MR. SAILOR: Oh, okay.

3 MR. SWENSON: But I can go over it  
4 with you guys on Monday, you know, because by  
5 Monday it'll all be pretty much set, or, you  
6 know, except for the last little thing. So I  
7 can let you guys know how, like, what the  
8 setup will be and how it goes through on  
9 Monday.

10 MR. SAILOR: All right, was that  
11 photo cool?

12 MR. SWENSON: Yeah, yeah, that  
13 worked, it worked. And we got the picture of  
14 you and Cordell and Will, you know, I got that  
15 picture from Amy, which is great because that  
16 really highlights it, you know, different.

17 MR. SAILOR: Yeah.

18 MR. SWENSON: But anyway, I'm going  
19 to get going, but I'll talk to you guys on  
20 Monday then.

21 MR. SAILOR: Alright.

22 MS. SAILOR: Okay. Thanks.

23 MR. SAILOR: Alright, thanks pal,  
24 I appreciate it.

25 MR. SWENSON: Thank you. Take care,

1 El.

2 MS . SAILOR: Okay, bye.

3 MR . SWENSON: Bye.

4 MS . SAILOR: Hold on. No, it  
5 comes in the mail tomorrow. Hello?

6 MR . SAILOR: Yeah.

7 MS . SAILOR: Yeah. Guess what I  
8 made?

9 MR . SAILOR: Hey, don't cut me off  
10 when I'm talking, man.

11 MS . SAILOR: Pistachio cupcakes.

12 No, you don't hear yourself the way I hear  
13 you. You start, um, well, uh, uh --

14 MR . SAILOR: Alright, what I'm  
15 saying, if you wait a second, don't cut me off  
16 in the middle of my sentence while I'm  
17 talking, man.

18 MS . SAILOR: Because I'm trying to  
19 stop you from making yourself look worse.

20 MR . SAILOR: What you mean, make  
21 myself look worse?

22 MS . SAILOR: Because we're  
23 explaining to him that we really were together  
24 all day. We really were together, but you're  
25 not telling him.

1                   MR. SAILOR:         Because if you would  
2 stop talking over me. He already know this.  
3 We talked about this shit on the visit.

4                   MS. SAILOR:         Okay, fine.

5                   MR. SAILOR:         That's all I'm trying  
6 to do. You just speaking like me and this man  
7 never told me. We just sat for three hours  
8 and talked about all that shit on the visit.

9                   MS. SAILOR:         Shut the fridge.

10                  Okay, I'm sorry. I was just -- me listening  
11 to you. Yeah, I need them. Me listening to  
12 you and knowing the story. When you're  
13 talking about it and you're fumbling over your  
14 words, you sound like you have a guilty  
15 conscience.

16                  Close the fridge. Stop.

17                  And I'm only doing it to help. I'm  
18 sorry.

19                  MR. SAILOR:         I ain't saying you  
20 weren't trying to help. I'm just saying, man,  
21 like -- I never said you weren't trying to  
22 help.

23                  AUTO ATTENDANT: This call is  
24 originating from an Ohio Correctional Facility  
25 and may be recorded and monitored.

1 MS. SAILOR: What did you say?

2 MR. SAILOR: I never said you  
3 weren't trying to help, Amy.

4 MS. SAILOR: I know, that's not  
5 what I mean. Relax.

6 MR. SAILOR: I don't know why that  
7 shit won't let me call collect.

8 MS. SAILOR: Well, that \$20 on  
9 there is from my account.

10 MR. SAILOR: That's why I asked,  
11 but you said, no, like dude, what that mean?  
12 How'd that shit work out?

13 MS. SAILOR: The bank's just gonna  
14 give me my money back. The money's gonna stay  
15 on his phone, though.

16 MR. SAILOR: And that's it?

17 MS. SAILOR: Yes.

18 MR. SAILOR: So who paid for the  
19 money?

20 MS. SAILOR: I don't know how that  
21 shit works. I think the bank just gives it  
22 back to you.

23 MR. SAILOR: Huh?

24 MS. SAILOR: I think the bank just  
25 gives a back to you.

1                   MR. SAILOR:         So the bank take a  
2 loss?  
3                   MS. SAILOR:         The bank is going to  
4 take a loss.  
5                   MR. SAILOR:         Huh?  
6                   MS. SAILOR:         The bank is going to  
7 take a loss.  
8                   MR. SAILOR:         That's what I just  
9 said.  
10                  MS. SAILOR:         Go down there then,  
11 Olivia.  
12                  MR. SAILOR:         Man, those  
13 motherfuckers faking, man, they trying to  
14 cover their ass.  
15                  MS. SAILOR:         Right.  
16                  MR. SAILOR:         I mean, but do they  
17 really think that right there, and make the  
18 motherfucker just drop their whole story  
19 though? Be like, oh, well fuck it, they  
20 didn't investigate it again, so I'm just gonna  
21 forget about it.  
22                  MS. SAILOR:         Right.  
23                  MR. SAILOR:         I don't believe him.  
24                  MS. SAILOR:         No, I don't -- I  
25 don't know.

1 MS. SAILOR: I mean, I just, I  
2 mean -- I don't want to sound like negative or  
3 nothing like that, but it's just certain  
4 procedures you go through, you know what I'm  
5 saying to prove that. They ain't talk to me  
6 or Kim. What could they be investigating?  
7 The first time they went over it, they  
8 basically said they already read my  
9 transcripts already, right?

10 MS. SAILOR: Right.

11 MR. SAILOR: Because they saying  
12 my application is being contradicted. So  
13 ain't nothing left for you to do but speak to  
14 the actual people involved, be it my lawyer,  
15 Cordell; you know what I'm saying? Like,  
16 ain't nothing to investigate.

17 MS. SAILOR: Well, I think they're  
18 going to force them to --

19 AUTO ATTENDANT: This call is  
20 originating from an Ohio Correctional Facility  
21 and may be recorded and monitored.

22 MS. SAILOR: It's going to force  
23 them to, like -- what's the word? Like review  
24 it, and review it, and like follow like their  
25 proper procedure.

1                   MR. SAILOR:         Procedure.  
2                   MS. SAILOR:         Yeah, you know --  
3                   stop. Or it's gonna --  
4                   MR. SAILOR:         They might just try  
5                   to stall it out.  
6                   MS. SAILOR:         It's gonna reveal  
7                   them to be liars.  
8                   MR. SAILOR:         They should have  
9                   never told him that.  
10                  MS. SAILOR:         Right. Yeah, that's  
11                  something that -- that's something that, like,  
12                  Kim could never get from them. Something like  
13                  on file, on record, saying that they're going  
14                  to do this, that, and the other. And now  
15                  they're telling him, specifically, that  
16                  they're gonna -- that they're reviewing it.  
17                  MR. SAILOR:         They saying they  
18                  already -- it's already being reinvestigated  
19                  right now.  
20                  MS. SAILOR:         That's what it sounds  
21                  like. That's what it seemed like.  
22                  MR. SAILOR:         That's bullshit. Is  
23                  your day (inaudible)?  
24                  MS. SAILOR:         Uh-huh.  
25                  MR. SAILOR:         Both of them?

1                   MS . SAILOR:         Uh-huh. Did your  
2                   mail smell good?  
3                   MR . SAILOR:         Huh?  
4                   MS . SAILOR:         Did your mail smell  
5                   good?  
6                   MR . SAILOR:         No, it stink. Kids,  
7                   of course, smell good.  
8                   MS . SAILOR:         Mine stink.  
9                   MR . SAILOR:         Yeah. They smell  
10                  like shit. Bullshit.  
11                  MS . SAILOR:         Hater.  
12                  MR . SAILOR:         Who? I ain't never  
13                  been known to hate. I can't believe dude  
14                  tried to assassinate my name like that, man,  
15                  that shit hurts.  
16                  MS . SAILOR:         Oh yeah, what,  
17                  that's, what? Hold on.  
18                  MR . SAILOR:         What?  
19                  MS . SAILOR:         Hold on, man.  
20                  MR . SAILOR:         Hello?  
21                  MS . SAILOR:         Hello? Hello? Oh,  
22                  yeah, no, no, no. Sorry, my headphones came  
23                  out of my ear and I didn't realize that they  
24                  got unplugged a little bit.  
25                  MR . SAILOR:         Man, dude, dude

1                   claiming that --

2                   MS. SAILOR:           Dude? What dude?

3                   MR. SAILOR:          The corn boy nigga,  
4                   the broke ass nigga, that borrowed the money  
5                   and never paid it back. The nigger who I'm  
6                   down here for oh.

7                   MS. SAILOR:          Oh my God, are you  
8                   serious?

9                   MR. SAILOR:          Yeah, he claimed that  
10                  I played you --

11                  MS. SAILOR:          Who was he claiming  
12                  this to?

13                  MR. SAILOR:          I'm saying that  
14                  don't -- it don't -- all that don't matter. I  
15                  made you tell on him, like you told on him. I  
16                  made you turn on him. I told you to turn on  
17                  him, and that's why he lost his job.

18                  AUTO ATTENDANT:      You have one minute  
19                  remaining.

20                  MR. SAILOR:          And then he don't  
21                  give a fuck.

22                  MS. SAILOR:          (Inaudible) himself  
23                  though. He's making himself sound stupid  
24                  because there wasn't nothing to tell on.

25                  MR. SAILOR:          He made all this

1 money. (Unintelligible) but he making it  
2 sound like he was doing all this shit, and he  
3 make --

4 AUTO ATTENDANT: This call is  
5 originating from an Ohio correctional facility  
6 and may be recorded and monitored.

7 MR. SAILOR: He making it like he  
8 made all this money, and then the shit hit the  
9 fan, you told on him. That's why he got  
10 fired, but he don't give a fuck 'cause he up.

11 MS. SAILOR: Man, whatever. I  
12 wish I knew his name so I could look him up  
13 and dog his ass.

14 AUTO ATTENDANT: Thank you for using  
15 GTL.

16 (End of recording.)

17 - - -  
18  
19  
20  
21  
22  
23  
24  
25

1 State of Ohio, )  
2 County of Cuyahoga. ) SS:  
3

4 C E R T I F I C A T E  
5

6 I, Steven Mengelkamp, do hereby certify  
7 that I have transcribed the proceedings  
8 of the jail call between Ru-El Sailor,  
9 Amy Sailor and Kyle Swenson, recorded on  
10 June 17, 2016; and that the foregoing is a  
11 true and accurate transcript made to the best  
12 of my ability.

13

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TRANSCRIBER

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